

CIVIL REVISION APPLICATION No 427 of 1999

Hon'ble MR.JUSTICE S.K.KESHOTE

1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of a

5. Whether it is to be circulated to the Civil Judge? : NO

Versus

OIL & NATURAL GAS CORPORATION LIMITED

MR AMAR N BHATT for Petitioner

MS SANGITA VISHIN for M/S TRIVEDI & GUPTA for Respondent No. 1

Date of decision: 15/02/2000

1. In civil application No. 12377 of 1998 in First Appeal No. 7352 of 1998, this court on 21st January, 1999 passed the following order:

Heard the learned counsel for the respective parties on the question of interim relief. The draft amendment is granted.

It is stated that the opponent- decree holder filed execution proceedings being execution petition No. 56/98 and on account of the orders passed therein the application appellant has deposited in the execution proceeding a sum of Rs.1,56,20,461/-.

In the facts and circumstances, the judgment and decree of the trial court and the further proceedings of the said execution proceedings are stayed subject to liberty to the opponent decree holder to withdraw 70 % of the deposit without security and 30 % with security to the satisfaction of the trial court. This application is disposed of with no order as to costs. Direct service permitted.

2. Against this order, the ONGC has preferred S.L.P. before the Hon'ble Supreme Court and that is pending. But for the disposal of this revision application, the pendency of the S.L.P. before the Hon'ble Supreme Court has no relevance. Under the aforesaid order for remaining amount of 30%, this court has directed to the trial court that withdrawal of the same may be permitted to the decree holder on furnishing a security to its satisfaction.

3. Under the impugned order, the trial court has permitted the withdrawal of this amount to the decree holder on bank guarantee. It is a question of satisfaction of the court and if it considers that the bank guarantee has to be taken as security, no interference can be made.

4. The revision application is wholly misconceived and the same is dismissed. Rule discharged. The petitioner is directed to pay Rs.2000/as costs of this revision application to the respondent.

zgs/-